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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/614,115	10/614,115 07/03/2003		Vladimir Baranov	079012-0102	7685
22428	7590	06/29/2006		EXAMINER	
	ND LAR	DNER LLP	COOK, LISA V		
SUITE 500 3000 K STR	EET NW	7	ART UNIT	PAPER NUMBER	
WASHING	TON, DO	20007	1641		
				DATE MAILED: 06/29/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

-		Application No.	Applicant(s)	
		10/614,115	BARANOV ET A	L.
	Office Action Summary	Examiner	Art Unit	
		Lisa V. Cook	1641	
Period fo	The MAILING DATE of this communicati	on appears on the cover sh	eet with the correspondence a	ddress
A SHO WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR CHEVER IS LONGER, FROM THE MAIL: nsions of time may be available under the provisions of 37 SIX (6) MONTHS from the mailing date of this communical period for reply is specified above, the maximum statutor re to reply within the set or extended period for reply will, the reply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	ING DATE OF THIS COMN CFR 1.136(a). In no event, however, tition. y period will apply and will expire SIX (i by statute, cause the application to bec	MUNICATION. may a reply be timely filed 6) MONTHS from the mailing date of this ome ABANDONED (35 U.S.C. § 133).	
Status				
2a) <u></u>	Responsive to communication(s) filed on This action is FINAL . 2b)[Since this application is in condition for a closed in accordance with the practice upon the condition of the closed in accordance with the practice upon the closed in the closed i	☐ This action is non-final. allowance except for formal		ne merits is
Dispositi	on of Claims			
5) 6) 7)	Claim(s) <u>1-36</u> is/are pending in the appli 4a) Of the above claim(s) is/are w Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>1-36</u> are subject to restriction a	ithdrawn from consideratio		e de la companya de l
Applicati	on Papers			
10)	The specification is objected to by the ExThe drawing(s) filed on is/are: a)[Applicant may not request that any objection Replacement drawing sheet(s) including the The oath or declaration is objected to by	accepted or b) objected to the drawing(s) be held in a correction is required if the drawing	beyance. See 37 CFR 1.85(a). awing(s) is objected to. See 37 (
Priority u	ınder 35 U.S.C. § 119			
a)[Acknowledgment is made of a claim for f All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International see the attached detailed Office action for	uments have been received uments have been received te priority documents have Bureau (PCT Rule 17.2(a))	d. d in Application No been received in this Nationa .	al Stage
2) Notic 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-9) nation Disclosure Statement(s) (PTO-1449 or PTO r No(s)/Mail Date	948) Pap	rview Summary (PTO-413) er No(s)/Mail Date ce of Informal Patent Application (PT er:	ГО-152)

Application/Control Number: 10/614,115

Art Unit: 1641

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-29 are drawn to kits comprising a tag comprising a transition element

and instructions, classified in class 422, subclass 61 for example.

II. Claims 30-32 are drawn to kits comprising a biologically active material, a tag

comprising a transition element, and instructions, classified in class 422, subclass

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61 for example.

III. Claims 33-36 are drawn to a methods for detecting and measuring a transition

element, classified in class 435, subclass 7.1 for example.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are

not disclosed as capable of use together and they have different designs, modes of operation, and

effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are drawn to

kits (products) comprising different and diverse reagents. Specifically the kit invention of Group

I comprises a tag and instructions, while the kit invention of Group II comprises a biologically

active material, a tag and instructions. The kit components require separate search and

consideration and are therefor patentably distinct.

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Inventions (I-II) and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process for using the product as claimed (Group III) can be practiced with either of the materially different products of Group I or Group II.

- 2. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
- 3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- 4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to Ramon K. Tabtiang (55,658) on 6/26/06 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
- 8. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1641 Central Fax number is (571) 273-8300, which is able to receive transmissions 24 hours/day, 7 days/week.

In the event Applicant would like to fax an unofficial communication, the Examiner should be contacted for the appropriate Right Fax number.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa V. Cook whose telephone number is (571) 272-0816. The examiner can normally be reached on Monday - Friday from 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (571) 272-0823.

Any inquiry of a general nature or relating to the status of this application should be directed to Group TC 1600 whose telephone number is (571) 272-1600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see httpr//pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lisa V. Cook

Remsen 3C-59

(571) 272-0816

6/26/06

LONG V. LE

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1600